(3)

BEFORE THE M.P. STATE ADMINISTRATIVE TRIBUNAL BENCH RAIPUR

O.A. NO. (A)69 /2001 (49P(S) 3916/07

APPLICANT : Rakesh Kumar Bele
Son of Late P.S. Bele
Assistant Professor
Deptt. of History,
Govt. Arts & Science College,
Durg (C.G.)

VERSUS

NON-APPLICANT :

1. State of C.G.
through the Secretary
Department of Higher Education
Govt. of Chhattisgarh,
D.K.S.Bhavan, Raipur

2. Principal
Govt. Arts & Science College,
Durg (C.G.)

ORIGINAL APPLICATION UNDER SECTION 19 OF THE M.P. STATE ADMINISTRATIVE TRIBUNAL ACT, 1985

(40)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.3916 OF 2006

Petitioner : Rakesh Kumar Bele

versus

Respondents : State of C.G. and another

Present : Mr. Maneesh Sharma, counsel for the petitioner.
Mr. V.V.S.Moorthy, Deputy Advocate General with Mr. Ajay Dwivedi, Panel Lawyer for the respondents/State.

ORDER
(Passed on 12th of October, 2006)

The original application was filed before the State Administrative Tribunal, Bench at Raipur, impugning the transfer order dated 24-9-2001 (Annexure A-1), whereby the petitioner, who was working on the post of Assistant Professor at Government Arts and Science College, Durg, was transferred to the Government College, Dhamdha, District Durg.

2. After admitting the petition on 9-10-2001, the Tribunal, by its order dated 12-10-2001, granted *status quo* with regard to the posting of the petitioner as on 1-10-2001. Learned counsel for the petitioner submits that by virtue of the interim order, the petitioner is continuing on the same place of posting, i.e., Government Arts and Science College, Durg.

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3. As a matter of fact, the petitioner has got the final relief by way of interim order and the petitioner has been on the same place for about five years. The petitioner could not continue at one place forever.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matters and this Court can interfere only with the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. In the facts and circumstances of the case, it is not necessary to examine validity of the transfer order at this stage. However, the respondents – authorities are directed not to insist on compliance of the impugned transfer order dated 24-9-2001 (Annexure A-1).

5. This petition has become infructuous with the passage of time. Accordingly, the petition is dismissed as having become infructuous. However, the respondents – authorities are at liberty to pass appropriate order for posting the petitioner in public interest and administrative exigency, in accordance with law. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bopal